

Calendar date of 8/30/10

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER
DOCUMENTS WILL BE REVIEWED PRIOR
TO HEARING.**

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PROBATE

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000369

CASE NAME: MTR OF MARY A CRAWFORD

HEARING:
Spousal Property Petition hearing.

COUNSEL:

JAMES A CRAWFORD (PET)...ALBERTSON & DAVIDSON LLP
MARY A CRAWFORD (DEC)...

GENERAL INFORMATION:

Continued from 6/21/10 and 7/19/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Spousal Property petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Decedent died intestate on 12/19/07 and is survived by spouse and 4 children.
2. Petitioner requests determination of decedent's real and person property passing to the surviving spouse without administration and confirmation of property belonging to the surviving spouse.
3. Petitioner states that he and decedent were married in 1947 in Illinois and that they resided in California since 2002. Petitioner alleges that no assets of substantial value were brought into the marriage and that all of their assets were acquired during the marriage. Petitioner lists both real and personal property as property that should be determined as community property (CP). However, petitioner has not stated when the property was acquired, how the property was acquired (i.e.: with community or separate assets) or how property is titled.
Supp (8/2/10): petitioner alleges that all property was acquired during the marriage between 1947 and decedent's death with community property assets. However, petitioner has not stated the dates of acquisitions or how the properties are titled or provided a copy of the deeds. It appears that the California property was acquired in 2002 in decedent's name alone and there is no immediate internet information accessible as to the Indiana property. Court to determine if evidence overcomes presumption of separate property.

4. Petitioner has listed 2 parcels of real property located outside California (Indiana and Illinois). Quasi-community property is defined as property situated in this state acquired while domiciled elsewhere that would have been CP if it was acquired by the decedent while domiciled in this state per Pr.C.§66. Need points and authorities to determine and or confirm property located in another state. **Supp (8/2/10): petitioner alleges that an Indiana attorney will be able to use the California Order to transfer title of the Indiana real property into petitioner's name; but that if this Court will not address the Indiana property, then petitioner withdraws all reference to the Indiana real property and requests the Court grant all other property interests.**
5. Among assets listed are several bank accounts and IRAs. Question if any of these accounts had a named beneficiary. Need verified supplement. **Supp (8/2/10): petitioner believes but does not know for sure whether the accounts have named beneficiaries, but "plans to submit an order that states the order is only over accounts that do not have a named beneficiary." Need a new proposed order.**

RECOMMENDATION:

Need to clear notes, then Court's discretion.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700743

CASE NAME: LILLIAN WHANG
COMPANION FILES= PROPS0900817 & CIVVS703686 & GARRS700070(OUT 8-18).

HEARING:

Hearing Re: ON DECLARATION FOR BOND REDUCTION AND ORDER THEREO

COUNSEL:

GRACE H BLACKMON	(PET)...	DIANE E ROBBINS
LILLIAN WHANG	(DEC)...	
DOUG ANDERSON	(TP)...	GREGORY T ANNIGIAN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON reduction of bond

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. As of 12/1/09 a bond of 2,005,500 has been posted.
2. On 1/14/10 Court approved the first & final account and petition for distribution to the sole beneficiary, the trustee of the Samantha Anderson Trust Agreement, Court established 10/29/09. Balance on hand at the end of the account period was \$1,455,729.12 of which \$62,729.12 was in cash with the remaining balance in real property. Court approved fees, costs and a withholding of \$5,000, which consumed the entire cash on hand.
3. Petitioner alleges that all assets have been distributed and that no assets remain, but petitioner is still unable to file a petition for discharge. As no reason is given, Court may wish to inquire.
4. Petitioner requests to reduce bond to \$20,000 to save the unnecessary expense of a \$5,000 bond premium.
5. Order returned for correction. Submit order after hearing.

RECOMMENDATION:

Need notice, then Court's discretion.

(kra)

FUTURE HEARINGS: 1/27/11 Hearing re Final Discharge

Case # GARRS700070: 08/18/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701083

CASE NAME: DOROTHY M BEED

HEARING:
Accounting Review

COUNSEL:
RODERICK BEED (PET)...HARTNELL LISTER & MOORE
DOROTHY M BEED (DEC)...

GENERAL INFORMATION

Continued from 12/17/09, 2/4/10, 3/11/10, 4/22/10, 05/27/10 and 8/2/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration granted 12/26/07 (full authority, no bond). Prior Status Report granted 8/6/09 indicating the estate needed an additional year to conclude as the last piece of real property was in escrow.
2. Need accounting or further status report.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(gls/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701097

CASE NAME: DARRYL K. CAMPBELL

SEE ALSO 4 & 5 & COMPANION FILE PROPS0800386 ON PAGE 6.

HEARING:

Hearing Re: Contest & Grounds of Revocation of Probate of Will

COUNSEL:

VICTOR P LOPEZ (PET)...PRO/PER
DARRYL K CAMPBELL (DEC)...
BRYAN CAMPBELL (PET)...RICHARD J LISTER
BRYAN CAMPBELL (OBJ)...HARTNELL, LISTER & MOORE
CALIFORNIA RECONVEYANCE CO (OFFICE OF THE GENERAL COUNSEL)...
WASHINGTON MUTUAL BANK (OFFICE OF THE GENERAL COUNSEL)...
JOHN E NAZAROFF (ANDERSON, MCPHARLIN & CONNERS)...ANDERSON,
TRUST COMPANY OF AMERICA (ANDERSON, MCPHARLIN & CONNERS)...
GARY URBINA (CHRISTINA YU)...CHRISTINA

GENERAL INFORMATION:

Continued from **6-10-08** for service.

Continued from **8-12-08**. Victor Lopez was served with a citation and ordered to respond by 9-12-08 and to be personally present at the hearing on 10-7-08.

Continued from **10/7/08, 12/15/08, 2-19-09, 5/28/09, 8/6/09, 10/22/09** and **12/17/09** at request of counsel. Counsel states still working on settlement.

Continued from **02-04-10** at request of counsel. Nothing new filed.

Continued from 3/16/10, 04/27/10 and 6/30/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Contest and Grounds of Revocation of Probate of Purported Will

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Bryan Campbell, decedent's son alleges that on 11/29/07, respondent, Victor Lopez, lodged a document dated 5/8/06 purporting to be the Last Will and Testament of Darryl K. Campbell. Petitioner further alleges that

on 1/3/08, the court entered its order admitting the purported Will and appointing respondent as executor of the Will. Petitioner received no mailed notice of the probate and was only advised by attorneys after the purported Will was admitted. Petitioner contests the validity of the purported Will in that petitioner believes that the purported will was not signed by the decedent. Furthermore, petitioner alleges that he is the only intestate heir of decedent and Robin Tomlin is the beneficiary name in the purported Will. Petitioner requests the court to revoke the purported Will dated 5/8/06. The Will was admitted to probate on 1/3/08. The instant petition was filed 4/21/08.

2. Pr.C. § 8270 states in part:

“(a) Within 120 days after a will is admitted to probate, any interested person, **other than a party to a will contest and other than a person who had actual notice of a will contest in time to have joined in the contest**, may petition the court to revoke the probate of the will. The petition shall include objections setting forth written grounds of opposition.” (emphasis added)

This code was enacted in 1989. Prior to that the code allowed for the filing of an after admission Will contest or challenge to the probate. Under the former Pr.C. § 380, “When a will has been admitted to probate, any interested person, other than **a party to a contest before probate and other than a person who had actual notice of such previous contest in time to have joined therein**, may within 120 days after the date the court admits the will to probate. . . contest the same or the validity of the will. For that purpose he must file in the court in which the will was proved a petition in writing, containing his allegations against the validity of the will or against the sufficiency of the proof, and praying that the probate be revoked.” (emphasis added)

It should be noted that the new statute specifically deleted any mention of a contest “before” probate and any mention of actual notice of a “previous contest”. The clear implication of this omission is that one is precluded from bringing the action if they are a party to a will contest present or past.

At the time the petitioner filed the instant petition he filed it as both a petition to revoke and as a will contest. As such he made himself a party to a will contest and by the terms of the current statute forfeited his standing to bring a petition to revoke the probate.

What the new statute has done is created a new procedural requirement prior to the bringing of the Will contest. A Will contest may only be brought before the Will has been admitted. The statute seeks to place the action back at the point prior to the actual admission, at which time a Will contest may properly be brought.

This question is then, is this defect fatal. Based on the case of *Slusher v Burnett* (1990) 219 Cal. App. 3rd 67 it would not appear so. While the case is based on the old statute, the principle should be the same. That case indicates that even

if one is a party to a Will contest prior to the admission of the Will to probate this will not preclude bringing the Will contest after the admission if the original Will contest was dismissed without ever trying the issues. Here there has been no trial of the issues on the Will contest. It is therefore suggested that the court strike that portion of the petition that references the Will contest, without prejudice. At that point the petitioner will not be a party to a Will contest. The court can then try the issue of the revocation of the probate. Should the petitioner be successful in that endeavor he may then file the Will contest. Judge to decide.

3. Victor Lopez was personally served on 8/8/08.

RECOMMENDATION:

Determine if opposition will be filed and/or Court to inquire regarding status of alleged settlement.

(gls/NMT/kra/gls/NMT/gls/abs/gls/vet/kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701097

CASE NAME: DARRYL K. CAMPBELL

SEE ALSO 3 & 5 & COMPANION FILE PROPS0800386 ON PAGE 6.

HEARING:

Petition for Return of Real Property to Estate

COUNSEL:

VICTOR P LOPEZ (PET)...PRO/PER
DARRYL K CAMPBELL (DEC)...
BRYAN CAMPBELL (PET)...RICHARD J LISTER
BRYAN CAMPBELL (OBJ)...HARTNELL, LISTER & MOORE
CALIFORNIA RECONVEYANCE CO (OFFICE OF THE GENERAL COUNSEL)...
WASHINGTON MUTUAL BANK (OFFICE OF THE GENERAL COUNSEL)...
JOHN E NAZAROFF (ANDERSON, MCPHARLIN & CONNERS)...ANDERSON,
TRUST COMPANY OF AMERICA (ANDERSON, MCPHARLIN & CONNERS)...
GARY URBINA (CHRISTINA YU)...CHRISTINA

GENERAL INFORMATION:

Continued from **6-10-08, 8-12-08, 10/7/08, 12/15/08, 2-19-09, 5/28/09, 8/6/09, 10/22/09, 12/17/09** and **02-04-10** at request of counsel. Nothing new filed.

Continued from 3/16/10, 04/27/10 and 6/30/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Return of Real Property to Estate
(Pr.C. §850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Bryan Campbell, is the surviving son of decedent. Petitioner has filed a Will contest in the estate matter (see page 8). Decedent died on 12/12/06 owning an interest in real property at 2260 W. 6th Street, San Bernardino. Petitioner alleges that on or about 1/3/07, the real property was conveyed to Ruben Arrieta, Jr., by Quitclaim Deed executed by Cedric Walker as attorney-in-fact for decedent. Petitioner alleges that Cedric Walker did not have authority under any power of attorney to effect the

conveyance of the real property and furthermore, that the power of attorney would have been revoked by reason of decedent's death. In addition, petitioner alleges that Ruben Arrieta, Jr., purportedly conveyed the subject real property to Gary Urbina on 4/2/07 and Mr. Urbina on or about 4/17/07 granted the property to California Recon Company as Trustee for Washington Mutual Bank a first and second Deeds of Trust secured by the subject real property. Petitioner alleges that each of the persons purporting to transfer title to the subject real property at 2260 W. 6th Street, San Bernardino, had no authority to do so. Petitioner requests the court for an order directing that each of the respondents execute a conveyance and transfer of the subject property to the personal representative of the estate per Pr.C. §856. Furthermore, petitioner alleges that Robin Tomlin, Victor Lopez, Cedric Walker and Ruben Arrieta, Jr., have each acted wrongfully and in bad faith and petitioner requests that each respondent be liable for twice the value of the subject property per Pr.C. §859.

2. Need to file notice of hearing and proof of service per Pr.C. §851 which includes personal service to Robin Tomlin, Victor Lopez, Cedric Walker, Ruben Arrieta, Jr. and Washington Mutual Bank.
3. Need copies of the various deeds and deeds of trust that are the subject of this petition.
4. Defendants, California Reconveyance Company and Washington Mutual Bank, previously request a continuance of sixty (60) days. Washington Mutual has tendered a claim to its title insurance carrier and has been informed it will take about three (3) weeks for it to reply, presumably, accept the tender and retain counsel. If the carrier has not accepted the tender in the interim, Washington Mutual will file a response to the petition. Court granted continuance from 6-10 to 8-12-08.
5. **Objections filed by Gary Urbina.**

RECOMMENDATION:

Need to clear note 3. Need response of California Reconveyance Company and Washington Mutual. Court will need to determine if they intend to answer before setting for an evidentiary hearing.

(gls/vet/NMT/cbr/kra/gls/NMT/gls/abs/gls/vet/kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701097

CASE NAME: DARRYL K. CAMPBELL

SEE ALSO 3 & 4 & COMPANION FILE PROPS0800386 ON PAGE 6.

HEARING:
Accounting Review

COUNSEL:

VICTOR P LOPEZ (PET)...PRO/PER
DARRYL K CAMPBELL (DEC)...
BRYAN CAMPBELL (PET)...RICHARD J LISTER
BRYAN CAMPBELL (OBJ)...HARTNELL, LISTER & MOORE
CALIFORNIA RECONVEYANCE CO (OFFICE OF THE GENERAL COUNSEL)...
WASHINGTON MUTUAL BANK (OFFICE OF THE GENERAL COUNSEL)...
JOHN E NAZAROFF (ANDERSON, MCPHARLIN & CONNERS)...ANDERSON,
TRUST COMPANY OF AMERICA (ANDERSON, MCPHARLIN & CONNERS)...
GARY URBINA (CHRISTINA YU)...CHRISTINA

GENERAL INFORMATION

Continued from **10/14/09, 10/22/09** and **12/17/09** at request of counsel.
Continued from **02-04-10** at request of Attorney Greinke. Counsel is waiting for a demand.
Continued from 3/16/10, 04/27/10 and 6/30/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review/status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued 1-3-08 with no bond.
2. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

(NMT/kra/abs/gls/vet/kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800117

CASE NAME: MTR OF MINNIE BEATRICE GARLAND

HEARING:
Accounting Review

COUNSEL:
TINA A GARLAND-MITCHELL (PET)...PRO/PER
MINNIE BEATRICE GARLAND (DEC)...
RHONDA GARLAND (OBJ)...STEPHEN A MADONI

GENERAL INFORMATION

Continued from **12-08-09** Tina Garland-Mitchell is ordered to file an accounting for the period of 07-30-08 to 07-29-09. Nothing new filed.

Continued from **2/2/10**. Court orders Ms. Garland-Mitchell to appear personally.

Continued from **4/12/10** Court orders Tina Garland-Mitchell to file a status report within 30 days from this date.

Continued from **06/21/10**. Counsel for Rhonda Garland to file a petition to suspend powers of Tina Garland-Mitchell. Nothing new filed.

Continued from 8/2/10 (Notice of Status Report filed 6/15/10 after second check)

THIS CASE SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 07/30/08, full authority, no bond.
2. Final Inventory and Appraisal filed. However, section 5 is incomplete. Need property tax certificate.
3. Need petition to suspend personal representative.
4. **On 12/8/09 Court ordered Tina Garland-Mitchell to file an account. No accounting has been filed. However, a Notice of status report was filed on 6/15/10. The report is not signed or verified and does not state why the estate is unable to close or an estimated time needed to close the estate as required under Pr.C.§12201. Furthermore, Ms. Garland-Mitchell indicates there is a 1987 Elite RV and a television. Question why these items are not listed in the I&A as assets of the estate. Need verified supplement and/or Corrected I&A.**

5. Need notice of hearing and proof of service per Pr.C.§12201.

RECOMMENDATION:

Need to clear notes. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. There is no bonding company to notice.

(cbr/vet/kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800386

CASE NAME: CALVIN K. CAMPBELL & PAULINE CAMPBELL TRUST

SEE ALSO COMPANION FILE PROPS0701097 ON PAGES 3-5.

HEARING:

Petition for RETURN OF REAL PROPERTY TO TRUSTEE

COUNSEL:

BRYAN CAMPBELL (PET)...HARTNELL, LISTER & MOORE
CALVIN K. CAMPBELL & PAULINE (TRU)...
JOHN E NAZAROFF (OBJ)...ANDERSON, MCPHARLIN & CONNERS
ROBERT L SMITH (ANDERSON, MCPHARLIN & CONNERS)...ANDERSON,
RICHARD F SMITH (ANDERSON, MCPHARLIN & CONNERS)...ANDERSON,
BRYAN CAMPBELL (RICHARD J LISTER)...RICHARD J

GENERAL INFORMATION:

Continued from 06/10/08, 8/12/08, 10/7/08 and 12/15/09 at request of counsel.

Continued from 2/19/09, 8/6/09, 10/22/09, 12/17/09, 02-04-10, 3/16/10, 04/27/10 and 6/30/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Return of Real Property to Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the successor trustee of the Calvin K. and Pauline Campbell Trust ("Trust"), which was established on 5/19/99. Petitioner alleges the trust will be submitted to the court *in camera* prior to the hearing. Petitioner further alleges that this matter is factually and legally related to the issues of the Estate of Darryl Campbell (**PROPS0701097**). Petitioner alleges that the real property located at 1067 Quail Drive, Fairfield, rightfully belongs to the Trust. Prior to the death of Darryl Campbell the former successor trustee of the Trust, the real property was titled in the name of the trust. By document dated 4/8/07, Robin Tomlin purported to convey title to the property to Ruben Arrieta, Jr. By document dated 1/4/08, Victor Lopez as executor under the will of Darryl Campbell purported to convey title to the subject property to Robin Tomlin who thereafter conveyed the property to Ruben Arrieta, Jr. Thereafter, petitioner alleges on 3/17/08 Ruben Arrieta, Jr.

purported to convey title to the property to himself and to Hortence Lewis as joint tenants. On 3/20/08, Ruben Arrieta, Jr., and Hortence Lewis conveyed to Redwood Trust Deed Company, Inc., in trust for the benefit of John Nazarov, Trust Company of America, Custodian FBO Richard L. Smith IRA 25478; Trust Company of America, Custodian FBO Richard F. Smith IRA 7458 a Deed of Trust to the subject real property securing a loan to Ruben Arrieta, Jr., and Hortence Lewis. Moreover, petitioner alleges that none of the foregoing persons had title, right or authority to convey title to the subject property and title rightly remains with Bryan Campbell as successor trustee of the Trust. Furthermore, petitioner alleges that respondents Ruben Arrieta, Jr., Hortense Lewis, Robin Tomlin, and Victor P. Lopez as executor of the Will of Darryl K. Campbell have each acted wrongfully and in bad faith. Petitioner requests an order from the court that each respondent is liable for twice the value of the subject property per Pr.C. §859. In addition, petitioner requests that the court order each of the respondents to execute a conveyance and transfer the subject property to Bryan Campbell as successor trustee of the Calvin K. Campbell and Pauline Campbell Trust dated 5/19/99.

2. Need to file notice of hearing and proof of service per Pr.C. §851 including personal notice on Ruben Arrieta, Jr., Hortense Lewis, Robin Tomlin, Victor P. Lopez, Redwood Trust Services, Inc., and Trust Company of America. **Notice filed, but only mailed notice given. Must give personal service.**
3. Need copies of the various conveyance deeds and deed(s) of trust.
4. **Objections filed and cross petition filed. Matter is contested.**
5. **Response filed by Bryan Campbell.**

RECOMMENDATION:

Need to clear notes 2 & 3. Need copy of Trust. Set for Evidentiary Hearing.

(gls/cbr/NMT/cbr/gls/vet/kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800751

CASE NAME: MICHAEL R HENRICH

COMPANION CASE= RFLRS039631.

HEARING:
Accounting Review

COUNSEL:

JOVAN R HENRICH (PET)...
MICHAEL R HENRICH (DEC)...
WELLS FARGO CARD SERVICES (TP)...PRO/PER
RAYMOND F MOATS III (WELTMAN, WEI NBERG & REIS)...WELTMAN,

GENERAL INFORMATION:

Continued from **12/3/09** at request of counsel.

Continued from **1/11/10** as I&A to be heard with the accounting.

Continued from 3/15/10, 4/19/10 and 6/21/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters Testamentary issued 10/1/08 (full authority, no bond).
2. No inventory and appraisal filed.
3. No accounting or status report is filed.

RECOMMENDATION:

Find out status.

(gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800979

CASE NAME: ROBERT H JACKSON JR

SEE ALSO 9 & 10

HEARING:
Petition for SPOUSAL PROPERTY PETITION

COUNSEL:

ROBERT L JACKSON	(PET)...	BRYAN C. HARTNELL
ROBERT H JACKSON JR	(DEC)...	
KUNLAYA GITTINGS	(PET)...	TOMLINSON, PRINCE, CULLEN & LE
HARRY PENNINGTON	(TP)...	PRO/PER

GENERAL INFORMATION:

Continued from **06/02/09** at request of counsel pending discovery.

Continued from **08/11/09, 09/22/09** and **11/3/09** at request of counsel.

Continued from 12-22-09, 2/23/10, 4/20/10 and 6/21/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, surviving spouse, is requesting the decedent's half of the community property and confirming her half of ATM Express business. However, section 1(b) is not consistent with the request in section 7(b) re confirming her half of the community property. Need verified supplement.
2. The will leaves real and personal property to petitioner including the ATM Express business requested. However, the Inventory and Appraisal provided also indicates a Bank of America bank account. Question whether it is petitioner's intention to also acquire decedent's half of the Bank of America community property? Need verified supplement.
3. Need Notice of Hearing with proof of service.
4. No objections are filed at the time of the review of this file.

RECOMMENDATION:

Need to clear notes then Court's discretion.

(/cbr/abs/vet/gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800979

CASE NAME: ROBERT H JACKSON JR

SEE ALSO 8 & 10

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ROBERT L JACKSON	(PET)...	BRYAN C. HARTNELL
ROBERT H JACKSON JR	(DEC)...	
KUNLAYA GITTINGS	(PET)...	TOMLINSON, PRINCE, CULLEN & LE
HARRY PENNINGTON	(TP)...	PRO/PER

GENERAL INFORMATION

Exparte for special letters heard on 11-6-08 and continued to 12-9-08.

Continued from **12-9-08**. Only new thing filed was a request for special notice.

Continued from **2-3-09, 04-21-09, and 06/02/09** at request of counsel pending discovery.

Continued from **08/11/09, 09/22/09 and 11/3/09** at request of counsel.

Continued from **12-22-09 and 2/23/10**. Still working on discovery.

Continued from 6/21/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full Independent Administration of Estates Act authority and \$20,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the son of the decedent. Decedent died on 9-30-08. Petitioner states that the decedent and his surviving spouse had both community and separate property. Petitioner claims that the majority of the decedent's business was separate property. Petitioner alleges that the spouse has indicated intent to sell the business and that the spouse will not cooperate in the determination of assets and refuses to open a probate. Petitioner believes a will exists, but has not been able to locate it. If he locates a will, it will be lodged and he will seek to have it admitted.
2. Petitioner indicates that, as he does not know what the separate property assets are, he does not know what the bond should be. He requests that bond be set at the minimum pending filing of the inventory and appraisal. Suggest court set bond

at minimum \$20,000 and order petitioner and counsel to advise the court immediately of receipt of assets into the estate in excess of \$20,000. JTD

RECOMMENDATION:

Court to determine prior matter (#13) before ruling in this matter. Court will have to determine issue of bond. If petition granted, set future hearing for Accounting/Status Review on **11/7/11**. Accounting to be filed 30 days in advance.

(NMT/cbr/NMT/vet/cbr/abs/vet/gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800979

CASE NAME: ROBERT H JACKSON JR

SEE ALSO 8 & 9

HEARING:

Ex parte hearing re: special administration

COUNSEL:

ROBERT L JACKSON	(PET)...	BRYAN C. HARTNELL
ROBERT H JACKSON JR	(DEC)...	
KUNLAYA GITTINGS	(PET)...	TOMLINSON, PRINCE, CULLEN & LE
HARRY PENNINGTON	(TP)...	PRO/PER

See notes on prior page (matter #9).
No calendar notes as this is on for Ex-parte hearing.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900339

CASE NAME: TREVA M. STUBBLEFIELD

VACATED. Account has been filed and is set for hearing 9/27/10.

HEARING:
Accounting Review

COUNSEL:
DELORES BROWNFIELD (PET)...ELISABETH KEMPE-OLINGER
TREVA M STUBBLEFIELD (DEC)...
JOSHUA M STUBBLEFIELD (TP)...

smj

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900350

CASE NAME: MTR OF JIMMIE DELL JONES

HEARING:
Accounting Review

	COUNSEL:
NELLIE DANIELS	(PET)...ALAN L INGLIS
JIMMIE DELL JONES	(DEC)...
CYNTHIA M MARTIN	(PET)...HARTNELL LISTER & MOORE
SHANDA JONES-BUREL	(PET)...BANKS GARCIA & JANIS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review by Nellie Daniels

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Order for Special Administration granted to Nellie Daniels on 6/4/09 and general Administrator on 6/22/09, \$250,000 bond. However, Ms. Daniels was unable to procure a bond. Court appointed Shanda Jones-Burel, successor administrator. As, Ms. Daniels was unable to have Letters issued, question if any assets were marshaled by Ms. Daniels.
2. No inventory & appraisal filed.
3. No accounting or status of administration filed.

RECOMMENDATION:
Inquire status.
(kra)

FUTURE HEARINGS:

10/05/10 Petition for WILL CONTEST AND GROUNDS OF OPPOSITION TO PROBATE
10/05/10 Hearing re: Petition for Probate, Letters of Testamentary
12/27/10 Accounting Review by successor administrator, Shanda Jones-Burel

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900647

CASE NAME: MTR OF RODOLFO AVILA

HEARING:

Waiver of Account and Report of LINDA AVILA-COLBY and Petition for fees

COUNSEL:

LINDA AVILA-COLBY (PET)...JOSEPH C KASTNER
RODOLFO AVILA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is the sole heir, waives an accounting and statutory commission.
2. Attorney requests statutory fees of \$11,697.09. ok

RECOMMENDATION:

RFA. If approved, court to set hearing re filing receipts and final discharge for **9/12/11**.
(kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: RPR RS02657

CASE NAME: NARINDER SINGH

HEARING:
Accounting Review

COUNSEL:
CATHERINE S HICKS (PET)...HARTNELL, LISTER & MOORE
NARINDER SINGH (DEC)...
JASVIR KAUR BHINDER (OBJ)...NEERA K GHUMAN
AMERICAN CONTRACTORS INDEMNITY(PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 3/15/10, 4/19/10 and 6/21/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Last status report approved 3/9/09.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS02287

CASE NAME: IN TEH ESTATE OF DEAN M DEVOE

HEARING:
Accounting Review

	COUNSEL:
DEAN M DEVOE	(DEC)...
MELODIE Z SCOTT	(SA)...HARTNELL LISTER & MOORE
R WARREN JONES	(TP)...ROBERT K BOLT

GENERAL INFORMATION:

Continued from 3/4/10, 4/15/10, 05/27/10 and 8/2/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 2/9/96.
2. The Ninth Account Current and Tenth Report of Status of Administration was granted 2/9/09. Need final accounting or status report.
3. Note: A notice of nonpayment of bond premium was filed 8/31/09 indicating a past due premium of \$800 is owing. Court may wish to set OSC re proof of payment of bond premium.

RECOMMENDATION:

Court may wish to set OSC re proof of payment of bond premium for 30 days. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company
(gls/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS02726

CASE NAME: MTTR OF BERNARD PAUL MUNDALL CHILDRENS'TRUST

HEARING:
Accounting Review

COUNSEL:
BERNARD PAUL MUNDALL CHILDREN'(DEC)...
BERNARD PAUL MUNDALL CHILDREN'(TRU)...
BRYAN C. HARTNELL (STE)...BRYAN C. HARTNELL

GENERAL INFORMATION

Continued from 05/27/10 and 8/2/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Twelfth Account current is due for the period 1/1/09 – 12/31/09. No accounting is filed. Need same.

RECOMMENDATION:

When the trustee fails to file an accounting as ordered, the court may take action as specified in Pr.C. § 800 and C.C.P. § 128.

(gls/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS04730

CASE NAME: ESTATE OF WALLACE F. POWELL

SEE ALSO COMPANION FILE SPRSS04731 ON THE FOLLOWING PAGE.

HEARING:

FIRST AMENDED FIRST AND FINAL Account and Report of MARTIN E.
KELLER and Petition for allowance of fees filed.

COUNSEL:

MARTIN E. KELLER	(PET)...MARTIN E KELLER
WALLACE F. POWELL	(DEC)...
WILLIAM J BRUNICK	(TP)...BRUNICK BATTERSBY MCELHANEY &
WALLACE F POWELL	(MARC W INGERSOLL)...MARC W IN

GENERAL INFORMATION:

Continued from **6/8/09** at request of counsel.

Continued from 8/10/09, 9/28/09, 12/03/09, 1/25/09, 03/22/10, 4/26/10 and 6/21/10 at request of counsel. Nothing new filed since 12/3/08.

THIS CASE IS SET FOR HEARING ON: **Amended** 1st & final account and petition for fees and final distribution (filed 12/3/08)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Sole heir for both estates (Wallace and Lorraine) is Harold Humphrey (nephew), as neither decedent survived the other as outlined in the wills.
2. Never filed the financial statements with the I & A. Must file now.
3. No period of account listed. Need verified supplement listing the period that the account covers per Pr.C.§1061.
4. Need account statements confirming assets on hand per Local Rule 20-908.
5. On the Summary of Account, petitioner lists gains/losses on sale as itemized in Schedule C. There is no Schedule C affixed. Need same.
6. On 8/1/03-8/14/03, there are three "cash" disbursements totaling \$7850. Need itemization of the purpose of this expense.
7. Questions re: receipts:

- a. Why was the 2001 Honda Civic sold to Mariah Humphrey on 5/16/03 for \$1. This asset was appraised at \$6,500 on 11/8/01?
- b. Disparity in accounting from Lorraine, which lists all receipts in joint form. Does not list the Pacific Life Insurance Company receipt. The receipt from Wallace's estate lists that entry. Explain. This also affects the amount of assets on hand as reported in the two estates. Need verified supplement to explain these issues.
8. Need to report actions taken under IAEA power, such as sales of property. Need to indicate loss/gain on sale of real property, and as to all assets. For example, what happened to the coins? The jewelry? The gun? The household furnishings? No indication that these items of personal property were sold, but they do not appear on the list of property currently on hand. What happened to them? File verified supplement.
9. What happened to all the bank accounts? What about cash? The Treasury Direct Account? File verified supplement.
10. What happened to the Harold Humphrey promissory note? File verified supplement.
11. Need to file copy of escrow closing statement per local rule 20-910.
12. Petitioner requests statutory commission of \$14,517.63.
13. Petition filed by Keller, in pro per, on 3-20-02. Substitution of Attorney to Brunick on 5-9-02. Letters/order under Keller, pro per. No further activity in file until 6-20-03, when Keller filed a Petition for Orders relating to the estate. On that date, substitution of attorney was filed, back to Keller in pro per. Petitioner is requesting that Brunick be paid \$2500 as a "partial statutory fee". Petitioner alleges that the sole heir has agreed to such payment of fees. Question how the estate was benefited. Need verified supplement.
14. No notice has ever been filed. Need notice of hearing and proof of service on beneficiary and upon special notice (Brunick). Also need notice on First Amended Account.

RECOMMENDATION:

Need to clear notes.

(kra/smj/kra/cbr/kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS04731

CASE NAME: ESTATE OF LORRAINE B. POWELL

SEE ALSO COMPANION FILE SPRSS04730 ON THE PREVIOUS PAGE.

HEARING:

FIRST AMENDED FIRST AND FINAL Account and Report of MARTIN E.
KELLER and Petition for allowance of fees filed.

COUNSEL:

MARTIN E. KELLER (PET)...MARTIN E KELLER
LORRAINE B. POWELL (DEC)...
WILLIAM J BRUNICK (TP)...BRUNICK BATTERSBY MCELHANEY &

See notes on prior page – same issues in both cases as husband/wife estates.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06419

CASE NAME: PRAHLADA S RAO INTER VIVOS TRUST

HEARING:
Hearing re Final Discharge

COUNSEL:	
SNEHLATA V RAO	(PET)...GUAY P WILSON
MOHAN P RAO	(PET)...LAYNE A BARTHOLOMEW
GOPAL RAO	(STE)...HARTNELL, LISTER & MOORE

GENERAL INFORMATION

Continued from **1-27-09**, and **04-21-09** as Attorney Wilson is still owed \$5,000 and there is an issue regarding the wheelchair.

Continued from **6/9/09, 9/18/09, 1/4/10** and **3/4/10**.

Continued from **4/15/10** Counsel states that Snehlata Rao has not been paid her settlement. Court orders Gopal Rao to be present at the next hearing unless payment has been made. Nothing new filed.

Continued from **5/17/10** as Attorney Rasmussen states he has had no response from his client. Counsel are instructed to prepare an updated order regarding fees owed. Nothing new filed.

Continued from 6/28/10 and Gopal Rao may appear by court call. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This hearing was set after a first and final account was submitted and approved. Since that time the parties have had disputes concerning the value of assets. See minute order of 3-20-08. Those disputes resulted in an additional settlement agreement. At that time the property was valued at \$163,500. It is unclear if all issues have been resolved so that the case can finally close. Court may wish to order an Amended First & Final Account to show a reconciliation of the accounting.
2. Need Order re: First and Final Account and Report of Gopal Rao, settled by agreement of parties on 01-24-08.
3. Need first appearance fees in the amount of \$320.00 for Gopal Rao.

4. Need receipts and ex-parte petition/order for final discharge.
5. **On 9/18/09 parties came to agreement and Court ordered Attorney Osborn to submit an order. Need proposed order after hearing.**

RECOMMENDATION:

Need to clear notes and Court's determination re note 1.

(vet/kra/gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06679

CASE NAME: EST OF ALFRED H BERG

HEARING:
Hearing re Final Discharge

	COUNSEL:
RUTH L HENRICKS	(PET)...BRYAN C. HARTNELL
ALFRED H BERG	(DEC)...
PERCY HERBERT	(PET)...HARTNELL, LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final Account and distribution were approved on 9/3/09.
2. Some receipts filed. Need final receipt from Percy Herbert, trustee.
3. Need Ex-parte Petition for Final Discharge and Order submitted.

RECOMMENDATION:

Inquire status.
(kra)

FUTURE HEARINGS:

9/20/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06845

CASE NAME: ESTATE OF PAULINE LEE PAXTON

HEARING:

Petition for FINAL DISTRIBUTION ON WAIVER OF ACCT AND FOR
APPROVAL OF STATUTORY ATTY'S FEES

COUNSEL:

BETTY M. YOAKAM	(PET)...	MARY ELLEN DANIELS
PAULINE LEE PAXTON	(DEC)...	
DAVID STEPHENS	(PET)...	HARTNELL LISTER & MOORE
RONALD W. ASK	(TP)...	RONALD W ASK

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All beneficiaries waive an accounting.
2. petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$8,654.78. ok
4. Petitioner requests reimbursement of \$7,701.84 for costs associated with the sale of the mobile home and vehicle. Itemized. JTD
5. Petitioner proposes distribution in equal shares to herself and David Stephens (David) according to 10/24/08 settlement agreement. Petitioner further proposes to reduce David's share by \$85,779.42 based on the Declaration of first and final account by David. However, it is unclear as to how this sum was calculated.
 - a. The settlement agreement provided that David account for assets in his possession, the administrator will waive statutory compensation, and all assets remaining after fees and cost will be distributed equally between petitioner and David.
 - b. The Declaration of final account by David and Order, state that as David was unable to account for certain items a total of \$7,200.00 will be reimbursed

accordingly (blue tabs); and the Order, authorizes David to be reimbursed a total of \$26,524.02 for pre and post death expenses and for David to hold funds in the amount of \$70,012.55 (purple tabs).

- c. Need verified supplement reconciling the amount to be withheld from David's share.

RECOMMENDATION:

Need to clear note 5. If approved, court to set hearing re filing receipts and final discharge for **9/12/11**.

FUTURE HEARINGS:

10/05/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS07177

CASE NAME: ESTATE OF KEITH ROBERT MORRISON

HEARING:
Accounting Review

COUNSEL:
WILLIAM R. SELLAS (PET)...MARTIN E KELLER
KEITH ROBERT MORRISON (DEC)...
PHYLLIS J ECKHARDT (TP)...PRO/PER

GENERAL INFORMATION

Continued from 01/11/10, 2/22/10, 3/22/10, 5/3/10, 06/07/10 and 8/2/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 10/20/06, no bond.
2. First account current approved 8/21/09.
3. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(kra/cbr/abs/kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 9:00 DEPT: S33P

CASE#: VPR VS01815

CASE NAME: ESTATE OF VIRGINIA K CAREL

HEARING:
Accounting Review

COUNSEL:
SHARON K STATON (PET)...PRO/PER
VIRGINIA K CAREL (DEC)...
LARRY R CAREL (PET)...MICHAEL H ELAM
DEPT OF HEALTH SERVICES (TP)...

GENERAL INFORMATION:

Continued from **6/7/10**. No appearance. Court orders Attorney Elam present at next hearing. Clerk mailed notice. Nothing new filed.

Continued from 7/12/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued to Larry Carel 6/16/06, \$20,000 bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. Court to notice bonding company.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PUBLIC GUARDIAN

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0700152

CASE NAME: RICHARD HOUGHTON

HEARING:

SECOND AND FINAL Account and Report of PUBLIC GUARDIAN and
Petition for allowance of fees filed.

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
RICHARD HOUGHTON	(CEP)...HARTNELL LAW GROUP

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 2nd & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 7/15/08 – 1/8/10.
2. Conservatorship established under W&I 5350 and terminated on 7/21/09.
3. Assets on hand \$2,000.00 consisting of cash.
4. Public Guardian and County Counsel request fees of \$1,000.00 each.
5. Petitioner has distributed \$3,282.31 to conservatee, representing final distribution of conservatee's estate and requests the Court's confirmation.
Receipt filed.

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **9/12/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800012

CASE NAME: JANICE CAMPBELL

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
JANICE CAMPBELL	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 8/31/09 Court approved the 1st account and on 3/26/10 the conservatorship was terminated. Need 2nd **final** accounting.
2. No accounting filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800020

CASE NAME: WILLIAM JENSEN

HEARING:

FIRST AND FINAL Account and Report of PUBLIC GUARDIAN and
Petition for allowance of fees filed.

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
WILLIAM JENSEN	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION:

Continued from 7/19/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON 1st & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 1/18/08 – 10/21/09.
2. Conservatorship established under W&I 5350 and terminated on 12/5/08.
3. Assets on hand \$722.00 consisting of cash.
4. Public Guardian and County Counsel request fees of \$361.00 each.
5. Petitioner has distributed a total of \$960.69 to Social Security Administration as conserved funds. Need receipt.
6. Distributions indicate that the \$1,800 burial trust policy was distributed on 12/5/08. However, On 3/12/10, petitioner alleges that the policy was not delivered to the conservatee, because they are unable to locate him. Question if the policy can be turned over to the County Treasurer or in the alternative if the policy can be surrendered and ant cash then deposited with the County Treasurer? Need verified supplement.
7. Also, the summary of account fails to list the policy as an asset on hand, but the proposed order lists it as a non-cash asset. Need a corrected summary.

RECOMMENDATION:

RFA subject to notes 6 & 7. If approved court to set hearing re filing receipts and final discharge for **9/12/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0900108

CASE NAME: JOHN DURSO

SEE ALSO 25

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of PUBLIC GUARDIAN

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
JOHN DURSO	(CEP)...

GENERAL INFORMATION:

PG appointed 7/6/09.

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Care plan filed on 8/17/09. **Another care plan filed on 4/19/10.**
2. Final Inventory & Appraisal filed.
3. Court Investigator 6 month report filed.

RECOMMENDATION

Court's discretion.

(kra/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0900108

CASE NAME: JOHN DURSO

SEE ALSO 25

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
JOHN DURSO	(CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. PG appointed 7/6/09.
2. No accounting or waiver of account filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0900219

CASE NAME: DOROTHY LENORE MILLER

HEARING:

Petition for allowance of compensation to conservator and to his attorney

COUNSEL:

PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
DOROTHY LENORE MILLER (CEP)...DONNA STURGILL DIAZ
DONNA LEE STURGILL-DIAZ (PET)...DONNA LEE STURGILL DIAZ

GENERAL INFORMATION:

PG appointed 12/14/09.

THIS CASE IS SET FOR HEARING ON Petition for fees and compensation

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges that petitioner and counsel have rendered services prior to and after appointment for which they have not been compensated.
2. Partial and a Final I&A were filed showing sufficient assets for the fee request
3. Petitioner requests compensation of \$350.00 and County Counsel request fees of \$45.00.

RECOMMENDATION;

Court's discretion.

(kra)

FUTURE HEARINGS:

2/18/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0900251

CASE NAME: JEANNIE KELLEY

HEARING:
Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of PUBLIC GUARDIAN

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
JEANNIE KELLEY (CEP)...KARIN HORSPOOL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need Statement of Care Plan in accord with Pr.C.§2352.5.
2. Final Inventory & Appraisal filed.
3. Need Court Investigator 6 month report filed 7/19/10.

RECOMMENDATION

Inquire status.
(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: CON DS1000213

CASE NAME: STEPHEN BRIGHT

HEARING:
Petition for APPOINTMENT OF TEMPORARY CONSERVATOR

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
STEPHEN BRIGHT	(CEP)...

No notes- continued ex parte hearing.

FUTURE HEARINGS:
9/20/10 Petition for Appointment of Conservator

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SC SS03166

CASE NAME: MTR OF DOROTHY JEAN HUNT

SEE ALSO 29 & 30

HEARING:

Petition for AUTHORITY TO OBTAIN THE CASH SURRENDER VALUE OF
LIFE INSURANCE WITH ALLIANZ LIFE INS CO ETC

COUNSEL:

PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
DOROTHY JEAN HUNT (CEP)...SHERRI L KASTILAHN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to surrender life insurance for cash value

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is the conservator and the successor trustee of the Hunt Living Trust. Last accounting provided through 10/29/07 in the conservatorship and through 4/10/08 in the Trust.
2. The Trust contains a life insurance policy with a cash surrender valued of \$33,206.73.
3. Petitioner requests to surrender the policy and deposit the funds into the Trust account for trustee/conservator to continue to provide for Dorothy Hunt's basic needs.

RECOMMENDATION:

Court's discretion.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SC SS03166

CASE NAME: MTR OF DOROTHY JEAN HUNT

SEE ALSO 28 & 30

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
DOROTHY JEAN HUNT (CEP)...SHERRI L KASTILAHN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review by Successor Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 8/25/08 Court approved the 1st trust account; 2nd trust accounting now due.
2. No accounting or waiver of account filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SC SS03166

CASE NAME: MTR OF DOROTHY JEAN HUNT

SEE ALSO 28 & 29

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
DOROTHY JEAN HUNT (CEP)...SHERRI L KASTILAHN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review by conservator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 8/25/08 Court approved the 1st account; 2nd accounting now due.
2. No accounting or waiver of account filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS02917

CASE NAME: MTR RE VICTOR LEE MATSON

VACATED- FINAL DISCHARGE FILED.

HEARING:
Hearing re Final Discharge

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
VICTOR MATSON	(CEP)...HARTNELL LISTER & MOORE

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS03019

CASE NAME: MTR RE RAUL GUZMAN

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
RAUL DANIEL GUZMAN (CEP)...HARTNELL LISTER & MOORE

FUTURE HEARINGS:
9/12/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS03172

CASE NAME: MTR RE LEON POWERS

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
LEON POWERS (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Continued from 2/23/09, 08/03/09, 11/16/09 and 6/28/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 On 10-03-08, the LPS conservatorship was terminated. Need 1st & **final** accounting to cover the accounting period 07-06-07 to 10-03-08.
- 2 No accounting filed.

RECOMMENDATION:

Inquire status.
(vet/kra/vet/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS1803

CASE NAME: IN THE MATTER OF DIANE ABEND

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
DIANE ABEND	(CEP)...HARTNELL LISTER & MOORE

FUTURE HEARINGS:
9/12/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS3127

CASE NAME: MTR RE LINDA NOLAN

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
LINDA NOLAN	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION
Conservatorship expired on 8/19/10.

THIS CASE IS SET FOR HEARING ON
Accounting Review

THE FOLLOWING ISSUEAS AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Order waiving Third Account issued on 6/15/09 and this matter was set.
2. Need Account or Petition for Waiver.

RECOMMENDATION
When an accounting is not filed as required, the court shall take action as specified in
Pr.C., § 2620.2.
(smj)

FUTURE HEARINGS:
9/03/10 Court Trial set for SUPP MH-LPS REAPPOINTMENT COL30 of PUBLIC
GUARDIAN WB.
9/12/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS3626

CASE NAME: IN THE MATTER OF MARK ANTHONY KIRK

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
MARK A KIRK	(CEP)...HARTNELL LISTER & MOORE

FUTURE HEARINGS:
9/12/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS5944

CASE NAME: IN THE MATTER OF MARK DOMINEY

VACATED- FINAL DISCHARGE FILED.

HEARING:
Hearing re Final Discharge

	COUNSEL:
PUBLIC GUARDIAN	(PET)...COUNTY COUNSEL
MARK DOMINEY	(CEP)...HARTNELL LISTER & MOORE

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS6087

CASE NAME: IN THE MATTER OF KATHLEEN LARSON

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
KATHLEEN LARSON	(CEP)...HARTNELL LISTER & MOORE

FUTURE HEARINGS:
9/12/11 Accounting Review

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000149

CASE NAME: MARIA CONSUELO SOLTERO DIAZ

SEE ALSO 40

HEARING:

Petition for APPOINTMENT OF TEMPORARY CONSERVATOR (PERSON AND
ESTATE)

COUNSEL:

JUAN SOLTERO DIAZ (CPE)...PRO/PER

MARIA CONSUELO SOLTERO DIAZ (CEP)...DONNA STURGILL DIAZ

See notes on following page (matter #40),

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000149

CASE NAME: MARIA CONSUELO SOLTERO DIAZ

SEE ALSO 39

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JUAN SOLTERO DIAZ (CPE)...PRO/PER

MARIA CONSUELO SOLTERO DIAZ (CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

Ex-parte hearing 6/21/10 Court appointed Donna Sturgill Diaz for proposed conservatee.

Continued from 7/26/10 for Eduardo Diaz to file written objections. Counsel's written report received. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for conservatorship, person and estate,
by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests no bond because he is the son of the proposed conservatee. However, this is not a legal basis on which to waive bond. Petition indicate an estimated estate value of \$15,845.00. Court may wish to set OSC re bond.
2. Petitioner requests medical and dementia powers. Need Medical Capacity Declaration.
3. CI report filed.
4. Certificate of completion of conservatorship training class filed.
5. Citation served on 7/15/10.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **4/4/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re Accounting Review for **11/7/11**. Any accounting to be filed 30 days in advance.

(kra/abs/kra)

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000165

CASE NAME: NADINE MARIE CARSON
HEARING: Petition for Appointment of Conservator

COUNSEL:
WYVONIA R. CARSON (CPE)...PRO/PER
NADINE MARIE CARSON (CEP)...

GENERAL INFORMATION:

Continued from 8/2/10 as Attorney Fischel is appointed for conservatee.

THIS CASE SET FOR HEARING ON

Petition for Appointment of Conservator person and estate by daughter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is requesting bond of \$102,551.28. Appears adequate. Court may wish to round up bond amount. JTD
2. Petitioner is requesting Pr. C. § 2590 powers to pay and collect debts, compromise claims etc. JTD
3. Petitioner is requesting medical powers. Capacity Declaration filed.
4. Petitioner is requesting dementia powers. Capacity Declaration supports dementia; However, dementia attachment does not state whether or not the proposed conservatee has dementia and does not recommend any placement or medications to be taken. Need corrected form. **Supp: Petitioner has submitted confidential medical information. Still need corrected dementia attachment.**
5. Petitioner is requesting waiver of assessment fee. JTD
6. Court Investigator report and addendum have been filed.
7. Citation returned served.
8. Proof of completion of conservatorship training class filed
- 9. Report of Court-appointed counsel has been filed.**
- 10. Opposition filed by Doris Newman.**

RECOMMENDATION

Need to clear note 4, then set for contested hearing. If approved, set hearing for filing of Inventory and Appraisal care plan and proof of recordation of letters, including proof of

service of Inventory and Appraisal instructions for objection to Inventory and Appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **4/4/11**. Accounting Review for **11/7/11**. Any accounting to be filed 30 days prior to hearing.

(cbr/smj/kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900207

CASE NAME: TERESA JANETT WILLIAMS AKA GUZMAN

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of SALLY M CRAFT

COUNSEL:

SALLY M CRAFT (CP)...PRO/PER
TERESA JANETT WILLIAMS (CTP)...

GENERAL INFORMATION:

Continued from 8/2/10 No appearance. Clerk mailed notice.

THIS CASE SET FOR HEARING ON Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed conservator of the person only on 12/28/09.
2. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).
3. Need Statement of Care Plan in accord with Pr.C.§2352.5. **Supp: Care Plan has been filed.**
4. Six-month CI Report has been filed.

RECOMMENDATION

Clear note 2.

(cbr/smj/kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900227

CASE NAME: IRMA ANN NAGY

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of KEITH B NAGY

COUNSEL:

KEITH B NAGY	(CPE)...JACK B OSBORN
ERNEST W NAGY JR	(CPE)...JACK B OSBORN
IRMA ANN NAGY	(CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:

Sons were appointed conservators of person and estate on 12/21/09, \$195,000 bond.

Continued from 7/26/10 No appearance. Need final I&A. Clerk mailed notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Confidential Care Plan filed.
2. Partial Inventory & Appraisal No. 1 & 2 filed. Need final I&A.
3. Court Investigator 6 month report filed.

RECOMMENDATION

Inquire re status.

(kra/abs)

FUTURE HEARINGS:

2/28/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01418

CASE NAME: IN THE MATTER OF FLOYD RENFROE

HEARING:
Accounting Review

COUNSEL:
KENNETH L RENFROE (CPE)...JUDITH LYNN PILSON
FLOYD RENFROE (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 8/21/08 Court approved a Waiver of account.
2. No accounting or waiver of account filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01675

CASE NAME: MTR OF LARRY R. VANCE

HEARING:

DISPENSE WITH Account and Report of MICHAEL ARNOLD and Petition
for allowance of fees filed.

COUNSEL:

MICHAEL ARNOLD	(CE)...MICHAEL S. ARNOLD
LARRY R. VANCE	(CTE)...

GENERAL INFORMATION:

Continued from **5/10/10** to clear notes.

Continued from **6/14/10** for counsel to file an amended waiver of account with proof of service and corrected order.

Continued from 7/26/10 No appearance. Attorney Michael Arnold was ordered to be personally present at the next hearing. Clerk mailed notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges that the conservatorship estate qualifies for a waiver of account under Pr.C.§2628.
2. Petition for a waiver of account must contain a list of assets on hand per CRC §7.550. Need verified supplement.
3. Need notice of hearing and proof of service.
4. Proposed order returned for correction 4/14/10. need corrected order submitted.

RECOMMENDATION:

Need to clear notes 2-3. If approved, Court may wish to set the next hearing re Accounting Review for **5/16/11** or a biennial Accounting Review for **5/14/12** per Pr.C.§2620(a). Any accounting to be filed 30 days in advance.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS02735

CASE NAME: MTR OF KATHRYN DANISE SIDERS STOKES

HEARING:

THIRD Account and Report of RUSSELLYN KATHRYN WALL and Petition
for allowance of fees filed.

COUNSEL:

RUSSELLYN KATHRYN WALL (CPE)...BRUNICK MCELHANEY & BECKETT
KATHRYN DANISE SIDERS STOKES (CEP)...C.L. FARRELL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 3rd account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 7/1/08 – 3/31/10 (20 months).
2. Assets on hand \$461,173.86 consisting of \$9,342.63 in cash, \$86,369.92 in securities and the balance in real and personal property.
3. No bond has been ordered as conservatee had waived bond at the time of appointment in 2004.
4. Petitioner requests compensation of \$7,953.50 for services as conservator. Based on a varying rate of \$10-\$25/hour for a total of 331.4 hours. Itemized.
5. Attorney requests fees of \$3,531.25 based on an attorney rate of \$295/hour and paralegal rate of \$75/hour for a total of 19.95 hours. Itemized.
6. Need account statement for "Citibank NA Bank Deposit Program" to confirm ending balance on hand.

RECOMMENDATION:

RFA subject to note 6. If approved, Court may wish to set the next hearing re Accounting Review for **9/12/11** or a biennial Accounting Review for **9/10/12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS02769

CASE NAME: MTR OF JOHN H MIKEASKY

HEARING:
Accounting Review

COUNSEL:
JOHNNY MIKEASKY (CPE)...JAMES B CHURCH
JOHN H MIKEASKY (CEP)...

GENERAL INFORMATION:
Continued from 6/10/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Fourth Account Current due for the period: 2/22/09 – 2/21/10.
2. No accounting is filed. Need same.

RECOMMENDATION:

Find out status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0700753

CASE NAME: JULIE M SELLS TRUST

SEE ALSO COMPANION FILE PROPS0700989 ON THE FOLLOWING PAGE.

HEARING:

Court Trial set for PETITION FOR PROBATE of RICHARD SELLS

COUNSEL:

RICHARD SELLS	(PET)...SMITH MITCHELL WEILER
DEBORAH BEEBE	(PET)...SCOTT
JULIE M. SELLS LIVING TRUST	(TRU)...
DEBORAH BEEBE	(OBJ)...THE GROSSMANLAW FIRM, A.P.C

No calendar notes as this is on for Court Trial.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0700989

CASE NAME: JULIE M. SELLS REVOCABLE LIVING TRUST

SEE ALSO COMPANION FILE PROPS0700753 ON THE PREVIOUS PAGE.

HEARING:
Court Trial set for PETITION FOR PROBATE of DEBORAH BEEBE

COUNSEL:

DEBORAH BEEBE	(PET)...SCOTT COLE
JULIE M. SELLS	(DEC)...
JULIE M. SELLS REVOCABLE LIVIN	(TRU)...
DEBORAH BEEBE	(PET)...THE GROSSMAN LAW FIRM
RICHARD SELLS	(RES)...ZIPRICK & CRAMER

No calendar notes as this is on for Court Trial.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 1:30 DEPT: S33P

CASE#: PRO DS1000013

CASE NAME: ESTHER RILEY TRUST

SEE ALSO 49

HEARING:
Mandatory Settlement Conference

COUNSEL:

KENNETH G RILEY JR (PET)...ALBERTSON & DAVIDSON LLP
ESTHER RILEY TRUST DATED 01/13(TRU)...
ESTHER RILEY TRUST (TRU)...
KENNETH G RILEY (PET)...KEITH A DAVIDSON
ESTELLE M NEWIDOUSKI (OBJ)...
ESTELLE M NEWIDOUSKI (BORTON PETRINI LLP)...BORTON PE
KENNETH G RILEY (KEITH A DAVIDSON)...KEITH A D
ESTELLE M NEWIDOUSKI (BORTON PETRINI LLP)...BORTON PE

No notes. Settlement Conference.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 08/30/10 TIME: 1:30 DEPT: S33P

CASE#: PRO DS1000013

CASE NAME: ESTHER RILEY TRUST

SEE ALSO 48

HEARING:

Petition for TO INSTRUCT TRUSTEE TO MAKE MANDATORY TRUST
DISTRIBUTION

COUNSEL:

KENNETH G RILEY JR (PET)...ALBERTSON & DAVIDSON LLP
ESTHER RILEY TRUST DATED 01/13(TRU)...
ESTHER RILEY TRUST (TRU)...
KENNETH G RILEY (PET)...KEITH A DAVIDSON
ESTELLE M NEWIDOUSKI (OBJ)...
ESTELLE M NEWIDOUSKI (BORTON PETRINI LLP)...BORTON PE
KENNETH G RILEY (KEITH A DAVIDSON)...KEITH A D
ESTELLE M NEWIDOUSKI (BORTON PETRINI LLP)...BORTON PE

GENERAL INFORMATION

Continued from 07/08/10 to be heard with MSC (prior matter).

Continued from 8/3/10.

THIS CASE IS SET FOR HEARING ON petition to instruct trustee to make distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 5/18/10, the matter re Petition to compel an accounting went off calendar as an accounting was filed. Objections to the accounting were filed 5/14/10 by the petitioner herein, Kenneth Riley, alleging that all assets were not listed. Court set the matter for a Mandatory Settlement Conference on 8/3/10.
2. Petitioner, Kenneth G. Riley, is a beneficiary of the Esther Riley Trust dated 1/13/09
3. Petitioner alleges that the trustee, Estelle Newdouski, refuses to distribute the trust residue due to petitioner's objections to the Trust accounting. Petitioner states that if petitioner is successful in his objections the remainder would

- increase and if the objections are overruled, the remainder would remain about the same.
4. The Trust accounting filed 4/19/10 states that the assets on hand \$173,589.24 consist of annuities and bank accounts and that after reimbursements, fees and reserve, the total residue to be divided into 5 equal shares is \$128,919.62.
 5. Petitioner alleges that trustee's counsel stated that an additional reserve would be required to defend the objections to the accounting, but that no amount was stated.
 6. The trustee has a right to withhold any portion of an otherwise required distribution that is reasonably in dispute per Pr.C. §16004.5(b)(4).
 7. Petitioner claims that the trustee may not hold the entire Trust residue hostage pending a resolution to the Trust accounting. petitioner relies on Leads v. Cords (2010) 182 CA 4th 1588, 1591, which states that the trustee is under a duty to deliver the property to the beneficiaries as the rightful owners. In *Leads* the Court found that the trustee violated Pr.C. §16004.5 by retaining a reserve for administrative costs. Petitioner maintains that in this case, the trustee is retaining the entire trust residue as a reserve with is a violation of her duties. Petitioner requests that the Court order the trustee to distribute the trust residue forthwith.
 8. **Opposition filed by Estelle Newidouski, trustee.**
 9. **Reply to opposition filed by Kenneth Riley.**

RECOMMENDATION:

Court's discretion.

(kra/gls/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **PROBATE**

DATE: 08/30/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000436

CASE NAME: JENIFER RAYE GREENE

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

GEMMA R. GREENE (PET)...PRO/PER
JENIFER RAYE GREENE (DEC)...

GENERAL INFORMATION:

Continued from 7/26/10 for supplement and publication.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need notice of Petition to Administer Estate and proof of service.
2. All heirs waive bond.

RECOMMENDATION:

Ned to clear notes. If approved, set future hearing for Accounting/Status Review on **11/7/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800248

CASE NAME: JOAN J. ADAMS

HEARING:
Hearing re Final Discharge

COUNSEL:
THOMAS J ADAMS (PET)...DANIEL C HALES
JOAN J ADAMS (DEC)...
DEBORAH J SCHAEPPi (TP)...PRO/PER

GENERAL INFORMATION

Continued from **04/05/10**. No appearance. Notice given by courtroom clerk.

Continued from **5/10/10** for counsel to clear notes.

Continued from 7/19/10 at request of counsel to file receipts

THIS CASE SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution approved on 03/30/09.
2. Need receipts. **Supp: Beneficiary Deborah J. Schaeppi has filed a Petition to Compel Personal Representative to Account/ Demand for Immediate Distribution. Hearing is set for 10/7/10.**
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. Court may wish this matter to trail hearing on 10/7/10.

(cbr/kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800944

CASE NAME: DONALD A. MOUNT

HEARING:

Hearing Re: OSC RE: SANCTIONS FOR FAILURE TO APPEAR/FILE

COUNSEL:

CYNTHIA RAMIREZ	(PET)...	PHYLLIS M GALLAGHER
DONALD A. MOUNT	(DEC)...	

GENERAL INFORMATION:

Hearing re Waiver of Account continued from **05/10/10** and on **6/14/10** at request of counsel to file agreement from 6 beneficiaries.

On 7/26/10 Court set this OSC hearing as there was no appearance or notes cleared. Phyllis Gallagher and Cynthia Ramirez are ordered to appear. Clerk mailed notice to counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re Sanctions for failure to appear or file required documents

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-
The following notes are continued from 7/26/10 re Petition for Waiver of Account, Final Distribution and Allowance of Fees:

1. Petitioner waives compensation.
2. Attorney is requesting \$4,000 in statutory fees. Attorney has agreed to this reduction of fees. The estate consists of only real property. Petitioner is requesting that any beneficiaries that pay the attorney's fees be reimbursed to them pro rata at the time of sale with 10% compound interest. Question authority to charge interest on statutory fee? Statutory fees could be attached to the real property as a lien and paid through escrow. File verified supplement. **Supp: Several beneficiaries have agreed to pay the attorney fees, but wish to be reimbursed when property is sold. They request a lien against the proceeds of sale. JTD. Note that the Supplement does not address interest on the amount loaned to the estate. Question whether beneficiaries who will pay attorney fees have agreed to waive interest?**

3. Petitioner proposes to distribute the real property in kind. Petitioner indicates that the beneficiaries have agreed to allow beneficiary Michael Mount to rent the real property until the property sells. Petitioner alleges that all the beneficiaries agree that if Michael fails to pay the agreed amount each month (\$386.74) that his share of the estate will be charged with all unpaid amounts when property is sold with 10% compound interest on the unpaid amount. Payments shall be credited pro rata to the beneficiaries who have made them. Need written agreement. Supp: Petitioner has submitted only a simple consent to rent the property signed by the interested parties, but there is no statement re the additional details set forth above. Suggest court require executed detailed agreement. **Supp: Michael Mount has signed a lease agreement; however, there is no document signed by Michael agreement indicating his consent to the terms proposed by petitioner re unpaid rent. JTD.**
4. Petitioner alleges that the Bank of America creditor's claim for \$552.09 was rejected. However, there is no allowance/rejection form in the file per Pr. C. § 9250. **Supp: Still need proof of service of rejection.**

RECOMMENDATION:

Re OSC: Court's discretion.

Re petition: Need to clear notes. If approved, court to set hearing on filing receipts and final discharge for 9/12/11.

(cbr/abs/cbr/kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900240

CASE NAME: BRITTANY HERLONG S.N. TRUST

COMPANION FILE= RCRS00522.

HEARING:
Accounting Review

VACATED. Accounting filed and set for 9/29/10.

COUNSEL:
HAROLD D HERLONG (PET)...DENNIS M SANDOVAL
BRITTANY HERLONG SPECIAL NEEDS(TRU)...

smj

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900266

CASE NAME: MTR OF ALICIA TREJO

HEARING:

Hearing Re: OSC RE: SANCTIONS FOR FAILURE TO APPEAR/FILE

COUNSEL:

VICTOR M OSORIO (PET)...CHARLES
ALICIA TREJO (DEC)...

GENERAL INFORMATION:

On 7/26/10 Court set this OSC hearing as there was no appearance or accounting/status report filed. Charles Barb and Victor Osorio are ordered to appear. Clerk mailed notice to counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re Sanctions for failure to appear or file an accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 7/7/09, \$105,000 bond.
2. No inventory & appraisal filed.
3. No accounting or status of administration filed.

RECOMMENDATION:

Court's discretion. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. Clerk to notice bonding company.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS06944

CASE NAME: ESTATE OF PATRICIA ANN STUART

HEARING:

FOURTH CURRENT Account and Report of RANDOLPH (RANDY) HERMES and
Petition for allowance of fees filed.

COUNSEL:

RANDOLPH (RANDY) HERMES (PET)...JACK A RAMESON
PATRICIA (PATTY) ANN STUART (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 3rd account current and request to continue
administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Letters of administration issued 4/7/06
2. Accounting period covers 7/15/09 – 6/30/10.
3. Assets on hand \$362,311.92 consisting of real and personal property.
4. Bond is currently at \$78,000. As the personal property totals \$82,000 and there is an expected annual income of \$12,000, petitioner requests to increase bond by \$16,000 for a total bond of \$94,000. JTD
5. Petitioner requests to defer statutory fee requests.
6. Petitioner alleges the estate is not in a condition to be closed as the surviving spouse was convicted of murder of the decedent, but has not yet been sentenced. Therefore, petitioner requests this administration continue for an additional one year.

RECOMMENDATION:

RFA and court's determination re note 4. If approved, set the next hearing re Accounting Review for **9/12/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS07196

CASE NAME: ESTATE OF REBECCA ANTHONY WOODS

HEARING:
Hearing re Final Discharge

COUNSEL:

BENITA H BONDS (PET)...MICHAEL I BURSTEIN
REBECCA ANTHONY WOODS (DEC)...
AMERICAN CONTRACTORS INDEMNITY (TP)...TRACY A STEVENSON

GENERAL INFORMATION

Continued from 5/17/10 at request of counsel to file receipt.

Continued from 6/21/10 for discharge to be filed. If discharge is not filed, Benita Bonds and Michael Burstein are ordered to appear. Clerk mailed notice.

THIS CASE SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter re-set on 04/12/10 when settlement agreement was not yet filed. Settlement agreement since filed with order signed.
2. Angela Sowers' satisfaction of bond judgment and receipt for distribution filed on 6/21/10. Court set this matter for ex parte petition for final discharge.
3. Counsel states he has been unable to obtain Benita Bonds' signature on a petition for final discharge. Counsel requests that Court discharge Benita Bonds without the filing of petition. JTD.

RECOMMENDATION

Court's discretion.
(cbr/kra/smj)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: CON DS1000144

CASE NAME: ROLAND LOCKWOOD

HEARING:
Petition for Appointment of Conservator

COUNSEL:

MARILYN BURKE	(CPE)...GREGORY PAUL BENTON
MARK LOCKWOOD	(CPE)...GREGORY PAUL BENTON
ROLAND LOCKWOOD	(CEP)...BRYAN C HARTNELL

GENERAL INFORMATION

Temporary conservatorship of person and estate granted on **6/17/10**. Court appointed atty Hartnell for proposed conservatee.

Continued from 7/26/10. Court set \$50,000 bond on temporary conservatorship (since submitted). Separate petition to be filed re requests for 1973/1091 powers and request for relief from alleged absconding third part. Petitioner to explain why 2590 powers are listed. Court informed that proposed conservatee has dementia and is not developmentally disabled.

THIS CASE IS SET FOR HEARING ON
Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests no bond on basis co-petitioner Mark Lockwood was appointed via a durable power of attorney and both petitioners are children of proposed conservatee. These typically are not a basis for lack of bond. Bondable estate plus annual income is \$86,000 and therefore normal bond would be \$95,000. \$50,00 bond set for temporary conservatorship. JTD.
2. Petitioner requests Pr.C. 2590 powers listed at yellow tab. Need explanation per court's 7/26/10 requirement (see above). **Supp (7/28/10): Listed powers needed because of proposed conservatee's Alzheimer's Disease and needs of care. JTD.**
3. Petitioner requests Pr.C. 1973/1901 powers including power to sell proposed conservatee's house. Suggest court require separate petition to sell residence

that meets statutory requirements (consultation with conservatee, etc.).

Requests to be brought via separate petition per court's 7/26/10 requirement (see above).

4. Petitioner requests wide ranging relief re alleged third party absconding party (red tab). Request for relief is improper in conservatorship petition. Need separate petition with personal service upon alleged wrongdoer, personal service ,etc. **Requests to be brought via separate petition per court's 7/26/10 requirement (see above).**
5. Petitioner requests medical powers. Need medical capacity declaration.
6. Petitioner requests dementia powers. Issues:
 - a. Need dementia attachment to medical capacity declaration.
 - b. Need dementia attachment to petition specifying which powers are requested and new proof of service.
7. Petitioner alleges at section 5f of petition that proposed conservatee is developmentally disabled yet limited conservatorship is not sought. **Petitioner clarified at 7/26/10 hearing that proposed conservatee has dementia and is not developmentally disabled.**
8. Certificates of completion of conservatorship class filed.
9. CI report filed.
10. Need return of citation.
11. Need report of appointed counsel (atty Hartnell).

RECOMMENDATION

Need to clear notes. If approved, set hearing for filing of inventory and appraisal, care plan and proof of recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **4/4/11**. Set accounting review for **11/7/11**.

(abs)

Superior Court of Calif, County of San Bernardino
Page: 9
CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: CON DS1000184

CASE NAME: BONITA ERICKSON

HEARING: Petition for Appointment of Conservator

COUNSEL:
LAURA LANDA (CPE)...NICOLE ANDER SON
DEBORAH YOUNG (CPE)...NICOLE ANDER SON
TONIA GOLDSCHWARTZ (CPE)...NICOLE ANDER SON
BONITA ERICKSON (CEP)...BRYAN C. HARTNELL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for appointment of Conservatorship of person and estate, by daughters.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Letters of Temporary Conservatorship of person and estate issued on 7/26/10, no bond.
- 2 Need return of Citation and appearance by proposed Conservatee, or reason for non-appearance.
- 3 Petitioners request no bond. Conservatee owns no real property and the full extent of conservatee's assets are not known at this time. JTD.
- 4 Petitioner seeks medical powers. Need Medical Capacity declaration.
- 5 Need Court Investigator report.
- 6 Need report of court-appointed counsel, Bryan Hartnell.
- 7 Need proof of completion of conservatorship education course.

RECOMMENDATION:

Need to clear notes, then Court's determination re: bond. If approved, set hearing for Compliance Review for 4/4/11 for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re Accounting Review for **11/18/11**. Any accounting to be filed 30 days in advance.
(smj)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: CON DS1000192

CASE NAME: MTR OF TERESA MARIE PEREZ

HEARING:
Petition for Appointment of Conservator

COUNSEL:
ELISA D PEREZ (PET)...PRO/PER
TERESA MARIE PEREZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for LIMITED conservatorship of the person only by mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Proposed conservators are mother and father.
2. No bond – person only.
3. Petitioner requests medical powers. Medical Capacity Declaration filed in support.
4. Section 5 of the Medical Capacity Declaration is incomplete as to proposed conservatee's ability to attend the hearing. However, the petition indicates that proposed conservatee will attend the hearing. Need attendance by proposed conservatee. **Supp: Proof of Service of Citation has been filed.**
5. Petitioner requests powers under Pr.C. §§2351.5 and orders limiting the civil and legal rights of the proposed limited conservatee as to access to confidential records, fix residence, right to contract, withhold consent to medical treatment, and decisions re education.
6. Court must appoint counsel for proposed conservatee (limited conservatorship) per Pr.C. §1471.
7. Proposed conservatee is developmentally disabled. Need IRC report (limited conservatorship, Pr.C. §1827.5).
8. Need Court Investigator's report.

RECOMMENDATION:

Need to clear notes and need appointment of counsel. If approved, set hearing for Compliance Review for **4/4/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.
(kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0700302

CASE NAME: JOHN L. MILLER

VACATED- ACCOUNTING FILED. (SEE MATTER ON NEXT PAGE.)

SEE ALSO 12

HEARING:
Accounting Review

	COUNSEL:
ANNE L. CHAVIS	(PCR)...PRO/PER
JOHN L. MILLER	(PCE)...
CONNIE K. EPPS	(SC)...
JOHN D MICKUS	(CPE)...PRO/PER
JOHN D MICKUS	(PET)...JOHN D MICKU S

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0700302

CASE NAME: JOHN L. MILLER

SEE ALSO 11

HEARING:

SECOND Account and Report of JOHN D MICKUS and Petition for fees

COUNSEL:

ANNE L. CHAVIS	(PCR)...PRO/PER
JOHN L. MILLER	(PCE)...
CONNIE K. EPPS	(SC)...
JOHN D MICKUS	(PET)...JOHN D MICKUS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 2nd account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 5/8/09 – 5/7/10 (1 year).
2. Assets on hand \$216,555.20 consisting of \$35,984.51 in cash and the balance in corporate bonds.
3. Disbursements show payment of \$6,392.75 for prearranged funeral. Question if this is an insurance policy or burial trust that should be included as an asset on hand. Need verified supplement.
4. Disbursement to Marie Galloway totaling \$3,487.00 for airfare and estimated vacation costs. Question who Marie Galloway is and the purpose/benefit of the payments. Need verified supplement.
5. Bond set at \$290,000. Appears sufficient.
6. Petitioner requests fees of \$3,314.50. Based on a rate as conservator \$95/hour and attorney at \$250/hour for a total of 25.1 hours. Itemized.

RECOMMENDATION:

Need to clear notes 3-4. If approved, Court may wish to set the next hearing re Accounting Review for **9/12/11** or a biennial Accounting Review for **9/10/12** per Pr.C.§2620(a). Any accounting to be filed 30 days in advance.

(kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS02960

CASE NAME: MTR OF TIMOTHY TODD BRITT

HEARING:
Hearing Re: CONSERVATOR'S STATUS REPORT

COUNSEL:
BENJAMIN BRITT (CPE)...PRO/PER
TIMOTHY TODD BRITT (CEP)...ANNETTE G DEBELLEFEUILLE
TIMOTHY TODD BRITT SPECIAL NEED (TRU)...

GENERAL INFORMATION:

**Continued from 5/17/10 as oral and Confidential written report given by counsel.
Counsel to file new report regarding the conservatorship and changes in
conservatee's living situation. Nothing new filed.**

THIS CASE SET FOR HEARING ON Conservator's Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 03/18/10, court approved Third Account.
2. Conservator filed a confidential status report on 03/11/10 expressing the desire of the Conservatee to relieve himself of a Conservatorship.
3. Annette deBellefeuille appointed counsel for Conservatee.
- 4. Conservator has filed petition to resign, which is set for hearing on 9/28/10.**

RECOMMENDATION

Court's discretion. If court terminates Conservatorship of estate, court to set hearing for final account in 60 days.
(cbr/kra/smj)

FUTURE HEARINGS:

9/28/10 Petition for RESIGNATION OF CONSERVATOR
3/10/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00302

CASE NAME: MATTER OF NEIL H HASKIN

HEARING:

FIFTH Account and Report of FRED A HASKIN, ANNE HASKIN and Petition for fees

COUNSEL:

FRED A HASKIN	(CPE)...EDWARD G. OPERINI
ANNE HASKIN	(CPE)...EDWARD G. OPERINI
NEIL H HASKIN	(CEP)...
ROBETA L TAYLOR	(PET)...ROBERTA L. TAYLOR & ASSOCIATES

GENERAL INFORMATION:

Continued from 7/19/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON 5th account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 7/1/08 – 12/31/09.
2. Assets on hand \$1,200,251.52 consisting of \$181,003.98 in cash and the balance in professionally managed accounts at Edward Jones.
3. Need statement regarding conservatee's residence during this accounting period per local rule 20-1406(a). **Supp: Conservatee has lived with Conservators during this period.**
4. Petitioners state that pursuant to a Court Order, petitioners executed a Revocable Living Trust on 2/27/09, but that it is to date unfunded. Question why petitioners have not funded the Trust? Need verified supplement. **Supp: Conservators intend to follow up with attorney re transfer of assets after this accounting is approved.**
5. Report states that Anne Haskin was paid \$4,000/month pursuant to Court order. It was at the 3rd accounting that the amount was increased from \$3,000 to 4,000 per month. However, petitioner has not requested to continue these payments. **Supp: Petitioner requests that these payments continue.**
6. Attorney requests fees of \$4,045.10 for services to the conservator including the preparation and appearance for a petition for substituted judgment. Billing is based on a rate of \$150/hour for a total of 27.6 hours. Itemization also includes

\$8.10 for postage. As these items are generally not allowed and considered part of overhead, Court may wish to reduce the requested fee to \$4,037.00. JTD

7. Submit order after hearing

RECOMMENDATION: Need to clear notes.

(kra/smj)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **MISC.**

DATE: 08/30/10 TIME: 1:30 DEPT: S34P

CASE#: PRO PS0900902

CASE NAME: ROBERT TELMOS LOVING TRUST

VACATED.

HEARING:
Court Trial set for Accounting Review of ROBERT TELMOS LOVING TRUST

COUNSEL:
ROBERTA T HOWINGTON (PET)...LAYNE A BARTHOLOMEW
ROBERT TELMOS LOVING TRUST (TRU)...
ANN HOWE (OBJ)...LEGATE, LAW & CAMPBELL,LLP

FUTURE HEARINGS:
11/17/10 Hearing Re: TRIAL SETTING CONFERENCE/MANDATORY SETTLE
CONFER.
11/17/10 first/ current Account and Report of ROBERTA T HOWINGTON and Petition for
allowance of fees filed.
11/17/10 Motion Re: NOTICE OF MOTION AND MOTION TO BE RELIEVED AS
COUNSEL Filed by Petitioner ANN HOWE

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900130

CASE NAME: RUBY LEE LONG

SEE ALSO 17

HEARING: Conservatorship Compliance Review Hearing on SUPPLEMENTAL
PETITION FOR CONSERVATORSHIP of BEVERLY WALTERS

COUNSEL:

TED M LONG	(CPE)...	PRO/PER
RUBY LEE LONG	(CEP)...	JEANNE KENNEDY
BEVERLY WALTERS	(CP)...	PRO/PER
GERALD L LONG	(PRO/PER)...PRO/PER
JULIE REMOND	(PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 6/23/10.

Continued from 8/18/10, to be heard with contested hearing regarding jewelry/missing items.

THIS CASE SET FOR HEARING ON Compliance Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed conservator of the person and estate on 11/12/09, \$20,000 bond.
2. Care plan filed.
3. Final Inventory & Appraisal per Pr.C.§2610. However, need bank statements to support balances per local rule 20-908.
4. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
5. Need Court Investigator 6 month report per Pr.C.§1850(a)(1).

RECOMMENDATION

Court's discretion.

(cbr/abs/smj)

FUTURE HEARINGS:

1/26/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 08/30/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900130

CASE NAME: RUBY LEE LONG

SEE ALSO 16

HEARING:
Hearing Re: COURT TRIAL

	COUNSEL:
TED M LONG	(CPE)...PRO/PER
RUBY LEE LONG	(CEP)...JEANNE KENNEDY
BEVERLY WALTERS	(CP)...PRO/PER
GERALD L LONG	(PRO/PER)...PRO/PER
JULIE REMOND	(PRO/PER)...PRO/PER
TED LONG	()...

No notes. Court trial.

FUTURE HEARINGS:
1/26/11 Accounting Review